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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 STEPHEN SONG, individually and on) Case No. 10-3583 SC
8 behalf of all others similarly)
9 situated,) ORDER REQUIRING
10) SUPPLEMENTAL BRIEFING
11 Plaintiff,)
12)
13 v.)
14)
15 KLM GROUP, INC. d/b/a KLM ONSITE)
16 SOLUTIONS, a Pennsylvania)
17 corporation; and DOES 1 through)
18 20, inclusive,)
19 Defendants.)
20

21 Before the Court is a Motion for Preliminary Approval of Class
22 Action Settlement brought by Plaintiff Stephen Song ("Plaintiff").
23 ECF No. 32 ("Mot.") Defendant KLM Group, Inc. ("Defendant") has
24 filed a Statement of Non-Opposition to the Motion. ECF No. 38. In
25 support of the Motion, Plaintiff has filed the Settlement
26 Agreement, ECF No. 36 ("Settlement"), as well as the proposed
27 settlement notice, Settlement Ex. 1 ("Notice"), and the proposed
28 claim form, Settlement Ex. 2 ("Claim Form"). Plaintiff's attorneys
Sherry Jung ("Jung") and Larry W. Lee ("Lee") have submitted
declarations summarizing their efforts in investigating and
litigating the case to date and setting forth their qualifications
to serve as class counsel. ECF Nos. 33 ("Lee Decl."), 34 ("Jung
Decl.>").

1 Having reviewed the papers submitted, the Court finds that it
2 cannot grant the relief requested without additional information.
3 Plaintiff's counsel declares that the parties have conducted
4 substantial informal discovery, which included the production of
5 payroll and time record data for a substantial number of class
6 members. Lee Decl. ¶ 6. Based on this information, Plaintiff's
7 counsel has evaluated the potential damages the class could recover
8 absent settlement and has determined that a settlement awarding
9 class members an average of \$300 is fair and reasonable. Id. ¶ 12.
10 However, Plaintiff has not provided the Court with similar
11 information that would allow it to assess the potential damages
12 available to the class members absent settlement. Without this
13 information, the Court cannot properly determine whether the
14 settlement is fair, reasonable, and adequate.

15 The Court thus DEFERS ruling on the Motion for Settlement.
16 The Court ORDERS Plaintiff Stephen Song to file supplemental
17 briefing providing the Court with an estimate of the average amount
18 of damages, and the minimum and maximum individual damages awards,
19 that class members could recover if Plaintiff were to prevail on
20 the merits of his case. Plaintiff shall file his brief within
21 thirty (30) days of this Order. The factual allegations in the
22 brief should be supported by sworn declarations and/or other
23 documentary evidence.

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25 IT IS SO ORDERED.

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27 Dated: June 23, 2011

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UNITED STATES DISTRICT JUDGE